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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------------|
| 09/995,844 | 11/28/2001 | Byron J. Slater | 2001P17789US01 (1505-0106) | 3190 |
| 7590 Harold C. Moore Maginot, Addison & Moore Bank One Center/Tower 111 Monument Circle, Suite 3000 Indianapolis, IN 46204-5115 | | | EXAMINER BHAT, ADITYA S | |
| | | | ART UNIT 2863 | PAPER NUMBER |
| | | | MAIL DATE 10/27/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/995,844 | Applicant(s) SLATER ET AL. | |
| | Examiner ADITYA S. BHAT | Art Unit 2863 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status

1. Claims 1-20 are currently pending in this application.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/28/2001 was received. The submission is in compliance with the provisions of 37 CFR 1.97 and 37 CFR 1.98. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

3. The drawings submitted on 11/28/2001 are in compliance with 37 CFR § 1.81 and 37 CFR § 1.83 and have been accepted by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yee et al. (USPN 6,847,300) in view of Mollov et al. (USPN 5,644,271).

With regards to claim 1, Yee et al. (USPN 6,847,300) teaches an arrangement for adjusting a time keeping function of a utility meter, comprising:

at least one sensor configured to detect a temperature (114) at a location proximate a time keeping component, (118) the at least one sensor further configured to generate an output signal representative of the detected temperature ;(figure 1)

a processing circuit (112) configured to adjust at least one clock maintained by the time keeping function of the meter in dependence upon the output signal from the at

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least one sensor. (figure1)

With regards to claims 2, 13 and 20, Yee et al. (USPN 6,847,300) teaches a crystal oscillator. (Col. 3, lines 47-48)

With regards to claims 3, 8-9 and 17 Yee et al. (USPN 6,847,300) teaches a digital signal processor (29) and a microcontroller (112)

With regards to claim 4 and 13, Yee et al. (USPN 6,847,300) teaches at least one sensor comprises a diode. (134)

With regards to claim 5, Yee et al. (USPN 6,847,300) teaches the diode is coupled to the processing circuit through an analog to digital converter. (112)

With regards to claim 6 and 14, Yee et al. (USPN 6,847,300) teaches a real time clock output pulse after receiving N timing signals; and change N based on the output signal from the at least one sensor. (col. 6, lines 43-45)

With regards to claim 7, Yee et al. (USPN 6,847,300) teaches electricity meter comprising:

- a source of commodity consumption information ;(102)

- at least one sensor configured to detect a temperature at a location proximate a time keeping component, the at least one sensor further configured to generate an output signal representative of the detected temperature ;(114)

- a processing circuit coupled to receive commodity consumption information from the source of commodity consumption information, the processing circuit (112) operable to

- generate metering data based on the commodity consumption information and real time clock information, (118) (Col. 2, lines 28-34)

With regards to claim 10, Yee et al. (USPN 6,847,300) teaches the processing circuit includes at least two processors. (112,132; figure 1)

With regards to claim 11, Yee et al. (USPN 6,847,300) teaches the source of commodity consumption information comprises a source of electrical energy consumption information (col. 2, lines 13-17).

With regards to claims 15 and 18, Yee et al. (USPN 6,847,300) teaches the source of commodity consumption information includes a current sensing device, the current sensing device having a temperature dependent characteristic that affects the accuracy of the commodity consumption information; the utility meter further comprises at least one additional sensor disposed proximate to the current sensing device, the at least one additional sensor configured to detect a temperature at a location proximate the current sensing device, the additional sensor further configured to generate a second output signal representative of the detected temperature; and the processing circuit is further configured to adjust the energy consumption information in dependence upon the output signal from the at least one additional temperature sensor. (figure 1)

With regards to claim 16, Yee et al. (USPN 6,847,300) teaches the source of commodity consumption signals further comprises:

a plurality of voltage sensors operably coupled to a plurality of power lines, the plurality of voltage sensors operable to generate analog voltage measurement signals representative of voltage waveforms on the plurality of power lines; a plurality of current sensors operably coupled to a plurality of power lines, the plurality of current sensors operable to generate analog current measurement signals representative of current waveforms on the plurality of power lines; at least one analog to digital converter operable to receive the analog voltage measurement signals and the analog current measurement signals and generate digital measurement signals there from; a digital signal processor operably connected to receive the digital measurement signals from the at least one analog to digital converter, the digital signal processor operable to generate the energy consumption information from the digital measurement signals. (figure 1)

With regards to claim 19, Yee et al. (USPN 6,847,300) teaches a method for adjusting a time keeping function of a utility meter, comprising:

generating timing signals using a time keeping component that generates timing signals; (118)

detecting a temperature at a location proximate to the time keeping component ;(114)

generating an output signal representative of the detected temperature; (114)

6. Yee et al. (USPN 6,847,300) does not appear to teach adjusting/varying clock/timing information in dependence on the output signal that is representative/function of temperature

Mollov et al. (USPN 5,644,271) teaches adjusting/varying clock/timing information in dependence on the output signal that is representative/function of temperature (Col. 2, lines 24-27)

It would've been obvious to one of ordinary skill in the art at the time of the invention to modify the Yee et al. invention to include adjusting/varying clock/timing information in dependence on the output signal that is representative/function of temperature in order to provide an accurate time source. (Col. 9, lines 19-20)

Response to Arguments

7. Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steeby (USPN 5,940,786) teaches a temperature regulated clock rate for microprocessors.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADITYA S. BHAT whose telephone number is (571)272-2270. The examiner can normally be reached on M-F 9-5:30.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aditya Bhat/
Examiner, Art Unit 2863
October 23, 2008